IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WA.No. 2226 of 2006()

AGAINST THE JUDGEMENT IN WPC.17630/2003 Dated 24/03/2006
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APPELLANT: PETITIONER:

SREEKUMAR.S, S/O.SREEDHARAN PILLAI,
AGED 47 YEARS, QUARTERS NO.530/2004,
AMBALAMEDU P.O.

BY ADV. SRI.A.T.ANILKUMAR

RESPONDENTS: RESPONDENTS:
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1. THE DEPUTY THAHASILDAR (R.R),
TALUK OFFICE, KUNNATHUNADU.

2. THE VILLAGE OFFICER,
PUHENCRUZ.

3. THE ACCOUNTS OFFICER,
TELEPHONE REVENUE OFFICE OF THE
PRINCIPAL GENERAL OFFICER, BSNL, ERNAKULAM.

4. THE TELECOM OFFICER,
AMBALAMEDU EXCHANGE.

R3 & R4 BY STANDING COUNSEL MR.MATHEW K.PHILIP
R1 & R2 BY GOVERNMENT PLEADER MR.T.B.HOOD

THIS WRIT APPEAL HAVING BEEN COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & S.SIRI JAGAN, J.

W.A. No.2226 of 2006 &
C.M.Appln.No.1222 of 2006

Dated, this the 4th day of December, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

Delay condoned.

2. When confronted, during the course of arguments, that the plea pertaining to limitation has been decided by the learned Single Judge on facts which cannot possibly be disputed, counsel for the appellant only pleads for taking some compassionate view in the matter considering the financial constraints of the appellant and he may be permitted to pay the amount as asked for by five instalments. To the limited extent as mentioned above his prayer is allowed. Otherwise there is no merit in the writ appeal and we dismiss the same. The first instalment be paid by the appellant by 1st of January, 2007 and thereafter the

other four instalments on the first day of every English calendar month. The default clause as made by the learned Single Judge shall remain intact.

Writ appeal is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

S.SIRI JAGAN,
JUDGE.

vns